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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,612	03/12/2001	M. Ibrahim Sezan	KLR 7146.115	3154

7590 02/11/2004  
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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2174

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DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/804,612

Applicant(s)

SEZAN ET AL.

Examiner

Truc T Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 12 recites the limitation "the genre of" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gagnon et al. (U.S. Patent No. 6,522,342 B1).

As to claim 1, Gagnon teaches a method of using a system with at least one of audio, image, and a video comprising a plurality of frames comprising the steps of:

(a) providing at least two of the following:

(i) a program description scheme containing information related to at least one of information regarding interrelationships between a plurality of said frames,

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characteristics of the content of a plurality of said frames, characteristics of the content of said audio, characteristics of the content of said image, characteristics of the content of said video (relationship among the terms of interest, col. 4 line 25-col. 5 line 67, pictures, col. 9 lines 39-62, col. 13 lines 55-65, and fig. 5);

(ii) a user description scheme containing information related to at least one of a user's personal preferences, information related to said user, a user's viewing history, and a user's listening history (the owner/creator and session identifier, col. 34 lines 6-67);

(iii) a system description scheme containing information regarding at least one of available videos, available categories, available channels, available users, available images, capabilities of a device for providing said at least one of said audio, said image, and said video to a-user, relationship between at least two of said video, said program description scheme, and said user description scheme, relationship between at least two of said audio, said program description scheme, and said user description scheme, relationship between at least two of said image, said program description scheme, and said user description scheme (audio/video, col. 26 lines 23-63, and figs. 5, 7, 9, and 12); and

(b) selecting at least one of a video, an image, and audio based upon said at least two of said program description scheme, said user description scheme, and said system description scheme (col. 13 line 55-col. 14 line 67, and fig. 5).

As to claim 2, Gagnon teaches the method of claim 1 wherein said program description scheme contains information related to said interrelationships of said plurality of said frames

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(relationship among the terms of interest, col. 4 line 25-col. 5 line 67, pictures, col. 9 lines 39-62, col. 13 lines 55-65, and fig. 5).

As to claim 3, Gagnon teaches the method of claim 2 wherein said interrelationships include the identification of key frames of said video (SDP, col. 34 lines 6-67).

As to claim 4, Gagnon teaches the method of claim 2 wherein said interrelationships include the identification of a plurality of said frames representative of the highlights of at least a portion of said video (col. 13 lines 30-67, col. 26 lines 20-64, and fig. 5).

As to claim 5, Gagnon teaches the method of claim 2 wherein said interrelationships include the identification of a set of frames, each of which is representative of a different portion of said video (col. 13 lines 30-67, col. 26 lines 20-64, and fig. 5).

As to claim 6, Gagnon teaches the method of claim 5 wherein said different portion of said video is non-overlapping (fig. 5).

As to claim 7, Gagnon teaches the method of claim 2 wherein said interrelationships include the identification of a plurality of sequential frames of said video that represent at least one of a shot and a scene (col. 11 lines 40-67, and col. 12 lines 1-25).

As to claim 8, Gagnon teaches the method of claim 7 wherein said identification further includes a plurality of said at least one of said shot and said scene (col. 11 lines 40-67, and col. 12 lines 1-25, fig. 5).

As to claim 9, Gagnon teaches the method of claim 4 wherein said interrelationships includes a plurality of highlights of the same portion of said video having different durations (col. 11 lines 40-67, and col. 12 lines 1-25, fig. 5).

As to claim 10, Gagnon teaches the method of claim 3 wherein said interrelationships includes a plurality of key frames of the same portion of said video having a different number of frames of said portion of said video (col. 23 line 36-col. 24 line 44, and fig. 2A).

As to claim 11, Gagnon teaches the method of claim 1 wherein said program description scheme contains characteristics of said content of said plurality of said frames (Webcast, col. 37 line 30-col. 38 line 61).

As to claim 12, Gagnon teaches the method of claim 11 wherein said characteristics include at least one of an actor within said video, and a classification of the genre of said video (title, col. 10 lines 50-67).

As to claim 13, Gagnon teaches the method of claim 11 wherein said characteristics include at least one of a color profile of at least a portion of said video, a texture profile of at least a portion of said video, a shape profile of at least a portion of said video, and a motion profile of at least a portion of said video (relationship among the terms of interest, col. 4 line 25-col. 5 line 67, pictures, col. 9 lines 39-62, col. 13 lines 55-65, and fig. 5).

As to claim 14, Gagnon teaches the method of claim 1 wherein said program description scheme identifies a portion of each of a plurality of said frames of said video that is to be presented to a user at a size larger than it would have been presented within said video (selected to launch, col. 11 lines 1-30).

As to claim 15, Gagnon teaches the method of claim 1 wherein said program description scheme identifies a second video segment separate from said video that includes a close up view of a portion of said video (col. 11 lines 1-30, and fig. 2A).

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As to claim 16, Gagnon teaches the method of claim 1 wherein said program description scheme identifies a second audio track separate from the normal audio track of said video (col. 20 lines 17-31).

As to claim 17, Gagnon teaches the method of claim 1 wherein said program description scheme includes textual annotation related to said video (The messages function provides textual promotional and status information related to the video, col. 10 line 50-col. 11 line 30).

As to claim 18, Gagnon teaches the method of claim 17 wherein said textual annotation is related to an object within said video (col. 10 line 50-col. 11 line 30).

As to claim 19, Gagnon teaches the method of claim 18 wherein said object is an actor within said video (figs. 2A and 5).

As to claim 20, Gagnon teaches the method of claim 1 wherein said program description scheme identifies Internet based information related to said video (col. 37 line 40-col. 38 line 5, and figs. 9, 11-12).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Klingler et al. (U.S. Patent No. 5,404,316) teach frames, sequences, audio/video, user's profile, edit, GUI, interrelationships, tracks, and categories (cols. 4-18 and figs. 2-17).

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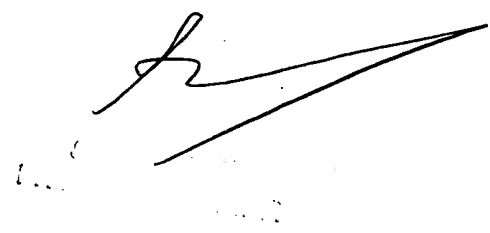
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

02/03/04

A handwritten signature in black ink, appearing to be 'Truc T. Chuong', is written over a faint, horizontal line. The signature is stylized with a large, sweeping 'T' and a long, horizontal stroke extending to the right.